

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ADVANCED CARDIOVASCULAR)	
SYSTEMS, INC. and GUIDANT SALES)	
CORPORATION,)	
)	
Plaintiffs,)	C.A. No. 98-80 (SLR)
)	(Consolidated with C.A.
v.)	No. 98-314 (SLR) and C.A.
)	No. 98-316 (SLR))
MEDTRONIC VASCULAR, INC. and)	
MEDTRONIC USA, INC.,)	
)	
Defendants.)	

AMENDED NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Medtronic Vascular, Inc. and Medtronic USA, Inc. (collectively “Medtronic”) hereby appeal to the United States Court of Appeals for the Federal Circuit from the Court’s Amended Judgment in a Civil Case, docketed on May 22, 2007 (D.I. 719) and the Court’s Judgment in a Civil Case, docketed on May 3, 2007 (D.I. 715), as well as the Court’s January 5, 2005 Memorandum Opinion and Order granting the motion of Advanced Cardiovascular Systems, Inc. and Guidant Sales Corporation (collectively, “ACS”) that Michael D. Boneau is not an Inventor of the Lau Patents and that the Lau Patents are not Invalid under 35 U.S.C. §102(f) (D.I. 543 and 544), its January 5, 2005 Order construing the disputed claim language of the Lau patents (D.I. 542), its February 4, 2005 Order withdrawing the Court’s claim construction of the term “cylindrical elements” and directing the parties to present evidence on claim construction at trial (D.I. 587), its February 16, 2005 Order construing certain claim terms (D.I. 615), its February 16 and 17, 2005 rulings in Open Court to the extent the Court granted ACS’s motion for judgment as a matter of law and denied the motion of Medtronic for judgment as a matter of law, the February 17, 2005 charge to the jury (D.I. 628),

the February 18, 2005 jury verdict (D.I. 629), the Court's March 29, 2007 Memorandum Opinion and Order denying Medtronic's motion for new trial and motion for judgment as a matter of law (D.I. 711 and 712), and its April 23, 2007 Opinion and Order denying Medtronic's inequitable conduct defense (D.I. 713 and 714), as well as all underlying orders, decisions, and rulings adverse to Medtronic in the above-captioned case. For administrative convenience, Medtronic is designating the specific docket items listed above in e-filing its Notice of Appeal, as well as certain underlying orders, decisions and rulings, pursuant to the ECF procedures. It reserves the right, however, to appeal from any of the above-referenced orders, decisions and rulings underlying the Court's judgment, whether or not specifically checked in its ECF filing. This notice is given pursuant to 28 U.S.C. § 1291 and in conformance with Fed. R. Civ. P. 3(a)(1) and 4(a).

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Karen Jacobs Louden

Karen Jacobs Louden (#2881)
klouden@mnat.com
Leslie A. Polizoti (#4299)
1201 N. Market Street
P.O. Box 1347
Wilmington, Delaware 19899-1347
(302) 658-9200
*Attorneys for Medtronic Vascular, Inc.
and Medtronic USA, Inc.*

May 24, 2007
821699

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on May 24, 2007 I electronically filed the foregoing with the Clerk of the Court using CM/ECF which will send notification of such filing to Frederick L. Cottrell, III.

I further certify that on May 24, 2007 I served copies of the foregoing to the following counsel in the manner indicated:

By Hand

Frederick L. Cottrell, III
Anne Shea Gaza
Richards Layton & Finger
One Rodney Square
P.O. Box 551
Wilmington, DE 19899

By Federal Express

J. Michael Jakes
Michael A. Morin
Finnegan, Henderson, Farabow Garrett & Dunner
901 New York Avenue
Washington, DC 20001

/s/ Karen Jacobs Loudon
Karen Jacobs Loudon (#2881)
klouden@mnat.com